IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5110 of 2005

Between:

1. A.Razzak, s/o.Late Mohd Ibrahim,

R/o.H.No.8-2-224 to 245 Punjagutta, Hyderabad.

2 Mohd Abdul Aziz S/o.Mohd Abdul Razzak

R/o.H.No.8-2-224 to 245 Punjagutta, Hyderabad.

3 Mohd Abdul Rasheed S/o.Mohd Abdul Razzak

R/o.H.No.8-2-224 to 245 Punjagutta, Hyderabad.

4 Mohd Abdul Quddus S/o.Mohd Abdul Razzak

R/o.H.No.8-2-224 to 245 Punjagutta, Hyderabad.

..... PETITIONERS

AND

1 The Municipal Corporation of Hyderabad Represented by its

commissioner, Tank Bund Rd.Hyderabad.

2 The Governmet of Andhra Pradesh, Revenue Department,

Rep by its Principal Secretary
Secretariat Buidlings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, one more particularly in the nature of a writ of Certiorari calling for the records the proceedings of the 1st respondent in No.00965/CSC/TP5/2004-271 dt.22.24.1.2005 and set aside the same as being

illegal, arbitrary, unconstitutional and contrary to the provisions of Hyderabad Municipal Corporation Act 1955 and consequently direct the 1st respondent to forthwith grant permission to the petitioners for making construction over their property in premises Nos.8-2-272/54/A, 8-2-272/1, 57/1 8-2-272/57/2 and 8-2-272/57/3, situated at Road No.3, Banjara Hills, Hyderabad as per the petitioners application dt.4.10.2004.

Counsel for the Petitioner:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

The Court made the following :

O R D E R:

Heard the learned Counsel for the petitioners and learned Standing Counsel appearing for the first respondent-Corporation.

The applications of the petitioners seeking permission for the construction of ground+2 floors in house
Nos.8-2-272/54/A, 8-2-272/57/1, 8-2-272/57/2 &
8-2-272/57/3 situated at Road No.3, Banjara Hills, Hyderabad were rejected by the first respondent-Corporation by order dated 22/24-1-2005 raising six objections. The said order is under challenge in this writ petition on various grounds.

The learned Counsel for the petitioner vehemently contends that none of the objections raised is tenable and the impugned order is arbitrary & illegal and not in conformity with the provisions of the Hyderabad Municipal Corporation Act, 1955. However, it is to be noted that soon after the receipt of the impugned order, the petitioners made a representation dated 24-2-2005 brining to the notice of the first respondent-Corporation that all the objections raised in the order dated
22/24-01-2005 are not tenable and explaining the reasons therefor in detail and accordingly requested the 1st respondent to reconsider the request of the petitioners and pass appropriate orders.

As can be seen from the material on record, the said representation made by the petitioners was received in the office of the first respondent-Corporation on 25-2-2005. Since the said representation is still pending, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the

first respondent-Corporation to consider the representation of the petitioners dated 24-2-2005 and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(G.ROHINI, J)

Dated 15th March, 2005.

Mrb

To

1 The Commissioner, Municipal Corporation of Hyderabad,

Tank Bund Road, Hyderabad.

2 The Principal Secretary, Government of Andhra Pradesh,

Revenue Department, Secretariat Buidlings, Hyderabad.

3. Two CCs to GP for Revenue, High Court Buildings,

Hyderbad(OUT).

4. Two CD copies.